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PTO/SB/21(08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/774,150
Filing Date	February 6, 2004
First Named Inventor	Michael Schwartz
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	26763-001

Total Number of Pages in This Submission

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Notice of Appeal Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>Transmittal for Information Disclosure Statement PTO/SB/08A, PTO/SB/08B with Copies of Articles Certificate of Mailing Receipt Card</b>
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas R. Mancini, Registration No. 50,157
Signature	
Date	June 25, 2004

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Typed or printed name	Denise Bierlein		
Signature		Date	June 25, 2004

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Denise M. Bierlein

Type or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Application Number: 10/774,150

Filing Date: February 6, 2004

First Named Inventor: Michael Schwartz

Title: Nursery Tree Pipe or Conduit and a Method for Making the Same

Docket No.: 26763-001

Transmittal Form

Transmittal for Information Disclosure Statement

Information Disclosure Statement

PTO/SB/08A and PTO/SB/08B (With Copies of Articles)

Receipt Card



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael Schwartz

Serial No.: 10/774,150

Filed: February 6, 2004

For: Nursery Tree Pipe or Conduit and a  
Method of Making the Same

Art Unit: Unknown

Examiner: Unknown

Atty. Docket: 26763-001

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT FILED  
BEFORE A FIRST ACTION ON THE MERITS OR WITHIN THREE MONTHS OF  
THE ACTUAL FILING DATE**

Sir:

1. The Information Disclosure Statement transmitted herewith is being filed **before** the mailing date of a first Office Action on the merits.
2. Applicant believes that no fee is due in accordance with the filing of this Information Disclosure Statement.
3. The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 501447. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

Thomas R. Mancini  
Attorney for Applicant(s)  
Reg. No. 50,157  
Potter Anderson & Corroon LLP  
P.O. Box 951  
Wilmington, DE 19899-0951  
Telephone: (302) 984-6127  
Facsimile: (302) 658-1192

Date: June 25, 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Michael Schwartz

Serial No.: 10/774,150

Filed: February 6, 2004

For: Nursery Tree Pipe or Conduit and a  
Method of Making the Same

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Art Unit: Unknown

Examiner: Unknown

Atty. Docket: 26763-001

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Listed on accompanying Form PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. In accordance with 37 C.F.R. §1.97(d) Applicant has not included copies of the U.S. Patents listed on the enclosed PTO/SB/08A Form.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08A and PTO/SB/08B forms, and to indicate in the official file wrapper of this patent application that the documents have been considered.



Applicants do not believe that any fee is due in accordance with the filing of this Information Disclosure Statement. However, should there be a fee due that is unaccounted for the Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 501447. A duplicate copy of this pleading is enclosed

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas R. Mancini", written over a horizontal line.

Thomas R. Mancini  
Attorney for Applicant(s)  
Reg. No. 50,157  
Potter Anderson & Corroon LLP  
P.O. Box 951  
Wilmington, DE 19899-0951  
Telephone: (302) 984-6127  
Facsimile: (302) 658-1192

Date: June 25, 2004



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 3

**Complete if Known**

Application Number	10/774,150
Filing Date	February 6, 2004
First Named Inventor	Michael Schwartz
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	26763-001

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 3010256	11/28/1961	Ise	
		US- 3521401	07/21/1970	Tree Supporting Unit	
		US- 4176494	12/04/1979	Boucher	
		US- 4268992	05/26/1981	Scharf	
		US- 4357884	11/09/1982	Rast	
		US- 4520590	06/04/1985	Schuh	
		US- 4738050	04/19/1988	Dickinson' Nursery	
		US- 4745706	05/24/1988	Muza	
		US- 4750293	06/14/1988	Dyke's Berry Farm	
		US- 4881342	11/21/1989	Ferguson	
		US- 4897956	02/06/1990	McGuire	
		US- 5129179	07/14/1992	Kronmiller	
		US- 5199677	04/06/1993	Sessions	
		US- 5568700	10/29/1996	Veneziano et al	
		US- 5881495	03/16/1999	Roll-Tech Inc	
		US- 6065243	05/23/2000	Mancini	
		US- 6073391	06/13/2000	Tort et al	
		US- 6128851	10/10/2000	Ralston	
		US- 6216387	04/17/2001	Stoller et al	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	2	of	3
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**Complete if Known**

Application Number	10/774,150
Filing Date	February 6, 2004
First Named Inventor	Michael Schwartz
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	26763-001

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/774,150
		Filing Date	February 6, 2004
		First Named Inventor	Michael Schwartz
		Art Unit	Unknown
		Examiner Name	Unknown
Sheet 3	of 3	Attorney Docket Number	26763-001

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		JERSEY SHORE STEEL COMPANY, Rail Steel Orchard Posts, Internet Article (www.jssteel.com)	
		JIM'S SUPPLY, Grapestakes and Post, Internet Article (www.jimssupply.com)	
		PENNSYLVANIA STATE UNIVERSITY COLLEGE OF AGRICULTURAL SCIENCES, Tree Support Systems, Internet Article (tfpg.cas.psu.edu/part1/part13g.htm)	

Examiner Signature		Date Considered	
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